

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                      |   |                                   |
|--------------------------------------|---|-----------------------------------|
| <b>JOHN TIEBOUT,</b>                 | : |                                   |
| <b>Plaintiff</b>                     | : |                                   |
|                                      | : | <b>No. 1:16-cv-2247</b>           |
| <b>v.</b>                            | : |                                   |
|                                      | : | <b>(Judge Kane)</b>               |
|                                      | : |                                   |
| <b>ROBERT SHAW, KELLY EVANS, and</b> | : | <b>(Magistrate Judge Carlson)</b> |
| <b>JOHN MISQUITTA,</b>               | : |                                   |
| <b>Defendants</b>                    | : |                                   |

**ORDER**

Before the Court in the above-captioned action is the November 8, 2016 Report and Recommendation of Magistrate Judge Carlson. (Doc. No. 5.) No timely objections have been filed.<sup>1</sup> **ACCORDINGLY**, on this 1st day of December 2016, upon independent review of the record and the applicable law, **IT IS HEREBY ORDERED THAT**:

1. The Court adopts the Report and Recommendation of Magistrate Judge Carlson (Doc. No. 5);
2. Plaintiff's complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiff may file an amended complaint within twenty (20) days of the date of this Order to address the factual and legal deficiencies identified in Magistrate Judge Carlson's Report and Recommendation; and
5. This matter is remanded to Magistrate Judge Carlson for further proceedings.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> On November 14, 2016, Plaintiff filed a letter with the Court elaborating on the sparse facts contained in his complaint. The Court declines to construe that letter as objections, as it fails to address the legal and factual deficiencies identified by Magistrate Judge Carlson in his Report and Recommendation.